

EXHIBIT 1

INTRODUCTION

Respondent Dale Cumpston is an appointed member of the Building Inspection Board of Appeals for the County of Tehama (the “County”). As a member of the Building Inspection Board of Appeals, Respondent is a designated employee of the County as defined in Section 82019, subdivision (c) of the Political Reform Act (the “Act”),¹ and in the County’s conflict of interest code.

As required by the County’s conflict of interest code, each member of the Building Inspection Appeals Board is required to file an annual statement of economic interests by April 1st of each year (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).² On the statement of economic interests, the designated employee must disclose his or her reportable economic interests held during the preceding calendar year.

In this matter, Respondent failed to file a 2000 annual statement of economic interests by the April 2, 2001 due date.

For the purposes of this Stipulation, Respondent’s violation is stated as follows:

As a designated employee of the Building Inspection Board of Appeals for Tehama County, Dale Cumpston failed to file a 2000 annual statement of economic interests by April 2, 2001, in violation of Section 87300 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. Section 87302, subdivision (a) provides that an agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests disclosing their reportable investments, business positions, interests in real property, and other income. Under Section 82019, subdivision (c), and Section 87302, subdivision (a), the individuals who are to be designated in an agency’s conflict of interest code are the officers, employees, members, and

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Regulation 18116.

consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the individual's economic interests.

Under Section 87302, subdivision (b), each designated employee must be required to annually file a statement of economic interests for each year that the employee remains in office, at a time specified in the agency's conflict of interest code, disclosing his or her reportable economic interests for the preceding calendar year.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent Dale Cumpston has been a member of the Building Inspection Board of Appeals for County of Tehama since January 17, 1995. In 1998, the County Board of Supervisors amended the County's conflict of interest code to include members of the Building Inspection Board of Appeals as designated employees of the County, as defined in Section 82019, subdivision (c) of the Political Reform Act. Members of the Building Inspection Board of Appeals were therefore required by the County's conflict of interest code to file a 2000 statement of economic interests by April 2, 2001.

On March 22, 2001, Beverly Ross, Assistant Registrar of Voters for the County, sent a letter to Respondent, reminding him of his obligation to file a 2000 annual statement of economic interests by April 2, 2001. In spite of this reminder, Respondent failed to file a 2000 annual statement of economic interests by the April 2, 2001 due date, in violation of Section 87300.

After Respondent failed to file a 2000 annual statement of economic interests by the due date, Ms. Ross sent a second letter to Respondent on April 10, 2001, advising him that his 2000 annual statement of economic interests was past due. Receiving no response to this letter, Ms. Ross sent a third letter to Respondent on May 8, 2001, reminding him that he still had not filed a 2000 annual statement of economic interests, and that he must file the statement immediately. When the statement was still not filed in response to this third letter, the Tehama County Clerk's Office referred the matter of Respondent's failure to file a 2000 annual statement of economic interests to the Fair Political Practices Commission's Enforcement Division.

On July 10, 2001, Investigator Bonnie Swaim of the Enforcement Division spoke with Respondent's wife by telephone. Mrs. Cumpston stated that although her husband no longer resided at the address to which the notices were sent, she had delivered them to him, and had spoken to Respondent regarding his filing obligation. On July 10, 2001, Investigator Swaim left a message for Respondent at his new telephone number. Respondent later returned the call and left a message for Investigator Swaim, stating that he would call her back on July 11, 2001. Respondent did not do so. Investigator Swaim then left a second telephone message for Respondent on July 11, 2001, reminding him that his 2000 annual statement of economic interests remained past due, and must be filed immediately. Respondent did not

reply to this message.

On August 6, 2001, Respondent filed a 2000 annual statement of economic interests over four months after the due date.

CONCLUSION

This matter consists of one count of violating Section 87300, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). Under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent statement of economic interests within 30 days of being contacted by an Enforcement Division investigator, and agrees to an early resolution of the matter, is between Two Hundred and Three Hundred Dollars (\$200-\$300). However, the Commission has given the Enforcement Division the discretion to obtain a higher penalty, where there are compelling factors present to justify it.

In this matter, Respondent was contacted five times before he filed a 2000 annual statement of economic interests over four months after the due date, and a settlement agreement was not reached with Respondent until after he had been served with the Accusation. Therefore, this matter does not fall within the SEI Expedited Procedures program, and imposition of the agreed upon penalty of Six Hundred Dollars (\$600) is appropriate.